

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID CALVIN HARDY, # 159525,

Petitioner,

v.

Case Number: 10-CV-14310
Honorable George Caram Steeh

THOMAS BIRKETT,

Respondent.

ORDER DENYING PETITIONER'S
MOTION FOR PRELIMINARY INJUNCTION TO TRANSFER AS MOOT

This is a habeas case filed by a state prisoner under 28 U.S.C. § 2254. Pending before the Court is Petitioner David Calvin Hardy's "Motion/Brief for Preliminary Injunction to Transfer." (Dkt. # 21). Hardy is requesting to be transferred out of segregation and out of the prison at the Chippewa Correctional Facility in Kincheloe, Michigan, because of alleged acts of retaliation by the officials at the Facility. Since the filing of Hardy's motion on June 6, 2011, he has been transferred to another facility. According to the Michigan Department of Corrections's website, Hardy has now been transferred to the Kinross Correctional Facility in Kincheloe, Michigan.

In light of the fact that Hardy has now been transferred, his request for an injunction or for a temporary restraining order requesting such has been rendered moot. See *Kensu v. Haigh*, 87 F.3d 172, 175 (6th Cir. 1996) (holding that a prisoner's request for injunctive relief is moot upon transfer to different facility). Moreover, Hardy is not entitled to be housed in the prison or at the security classification of his choice. See *Olim v. Wakinekona*, 461 U.S. 238, 245 (1983); *Rimmer-Bey v. Brown*, 62 F.3d 789, 790-91(6th Cir. 1995).

Accordingly, IT IS ORDERED that Hardy's "Motion/Brief for Preliminary Injunction to Transfer" [Dkt. # 21] is denied as moot.

IT IS SO ORDERED.

Dated: February 2, 2012

S/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on February 2, 2012, by electronic and/or ordinary mail and also to David Hardy at Kinross Correctional Facility at 16770 S. Watertower Drive, Kincheloe, MI 49788.

S/Josephine Chaffee

Deputy Clerk